

REMARKS

Amendment to claims

Claim 20 has been amended to remove an informality as suggested by the Examiner. The word "method" was replaced by the word "kit".

Double Patenting

In the Office Action mailed November 7, 2004, claims 1-2, 4, 7-9, 11 and 14-12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 9, 11-12 and 14-18 of copending Application No. 10/963,332, over claims 1-4, 5, 10 – 12 and 14 – 17 of copending Application No. 10/691,391 and over claims 1, 3, 6 - 8 and 10 – 14 of copending Application No. 10/613,792.

In view of the availability of terminal disclaimer practice, applicants agree to file a terminal disclaimer upon indication of allowable subject matter.

Statement of Common Ownership

At the time the invention was made in the present application, Serial No. 10/613,864, all the inventors were employees of and under obligation to assign the rights of their inventions to Unilever Home and Personal Care USA, a Division of Conopco, Inc which also at the time of the invention owned the Patent Application 10/075,745 (Sorojini et al US Patent Application Publication 2003/0154562 A1).

Attached separately are copies of the assignments on file with the Office for the above applications. Please also note that Padmaja Prem and Padmaja Sarojini is the same person.

Claim Rejections – 35 USC § 103

In the Office Action mailed November 7, 2005, claims 1 - 2 and 4 - 20 were rejected under 35 USC §103(a) as being unpatentable over Sarojini et al (US2003/0154562 A1) in view of Dias (US 6,540,791 B1).

In view of the above statement of *Common Ownership*, applicants respectfully request that Sarojini et al (US2003/0154562 A1) be disqualified as a prior art reference under 35 USC §103(c) and that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Aronson".

Michael P. Aronson
Registration No. 50,372
Agent for Applicants

Tel. No. 201-894-2412 or 845-708-0188

BEST AVAILABLE COPY

ASSIGNMENT

WHEREAS, **ALEXANDER C. CHAN**, a citizen of The United States, residing at 13 Stites Drive, Cranbury, New Jersey 08512, and **PADMAJA PREM**, a citizen of The United States, residing at 491 Van Orden Street, Saddle Brook, New Jersey 07663, and **KATHERINE JACOBS-DUBE**, a citizen of The United States, residing at 208 Kentshire Court, Pennington, New Jersey 08534, and **JOHN BRIAN BARTOLONE**, a citizen of The United States, residing at 160 Balmforth Street, Bridgeport, Connecticut 06605, respectfully invented certain improvements in:

HAIR DYEING METHOD INCLUDING AN ALIGNING STEP

bearing Attorney's Docket Number J6837(C), which is found in:

- (a) ☐ U.S. patent application executed on _____
- (b) ☒ To comply with 37 CFR 3.21 for recordal of this assignment, I/WE an ASSIGNOR(S) signing below, hereby authorize and request my/our attorney, as named in the Declaration and Power of Attorney to insert below the filing date and application number when it becomes known.

U.S. application Serial No. 10/613,864 filed on July 3, 2003

- (c) ☐ International Application No. PCT _____/_____.

AND WHEREAS, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, a corporation of New York having a principal place of business at 325 North Wells, Chicago, Illinois 60610, desires to acquire the entire right, title and interest in the said application and invention, and improvements and to any United States and foreign patents to be obtained therefor;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, I/We, the undersigned, hereby sell, assign and transfer to the aforesaid, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, the entire right, title and interest in and to the said application and invention therein disclosed for the United States and all foreign countries, and all rights of priority under the International Convention resulting from the filing of said application, and in and to any and all divisional, continuation, continuation-in-part, reissue, or other applications describing said invention or improvements thereon, and in and to any and all Letters Patent of the United States which may issue from said applications or any of them, and in and to any and all applications for patents describing said invention to countries foreign to the United States and in and to any and all patents which may be granted for said invention in said foreign countries, the same to be held by and for the sole and exclusive use and benefit of the said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns.

BEST AVAILABLE COPY

J6837(C)
03-R108-EDG/R

AND I/We do hereby authorize and request the Commissioner of Patents to issue the said Letters Patent of the United States to said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, as the assignee of the entire right, title and interest in and to the same.

AND I/We do hereby agree to assist said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, in the prosecution of any and all said applications and in the prosecution of any and all interferences or other proceedings which may arise involving said invention, and to execute and deliver any powers of attorney, affidavits, assignments, applications, reissues, documents, or other written instruments which, in the opinion of counsel for said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, may be necessary in this or any foreign country fully to secure to said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, any and all said applications, inventions, improvements, Letters Patent, rights, titles and interests hereby sold, assigned, transferred and conveyed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of June, 2003.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

Alexander C. Chan (Seal)
Alexander C. Chan

On this 3 day of June, 2003 before me came Alexander C. Chan to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.

LISA A. ELLERBROCK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 22, 2004

Lisa A. Ellerbrock
Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of June, 2003.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

Padmaja Prem (Seal)
Padmaja Prem

On this 3 day of June, 2003 before me came Padmaja Prem to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.

LISA A. ELLERBROCK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 22, 2004

Lisa A. Ellerbrock
Notary Public

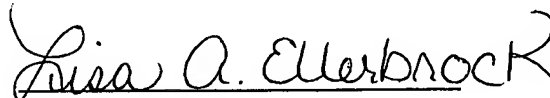
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3 day of JUNE, 2003.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

 (Seal)
Katherine Jacobs-Dube

On this 3 day of June, 2003 before me came Katherine Jacobs-Dube to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.

LISA A. ELLERBROCK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 22, 2004



Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18 day of June, 2003.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

 (Seal)
John Brian Bartolone

On this 18 day of JUNE, 2003 before me came John Brian Bartolone to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.


Notary Public

LISA A. ELLERBROCK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 22, 2004

ASSIGNMENT

WHEREAS, **Padmaja SAROJINI**, a citizen of India, residing at 491 Van Orden Street, Saddle Brook, New Jersey 07663;

John Brian BARTOLONE, a citizen of The United States, residing at 160 Balmforth Street, Bridgeport, Connecticut 06605;

Alexander C. CHAN, a citizen of The United States, residing at 13 Stites Drive, Cranbury, New Jersey 08512,

invented certain improvements in

TWO STEP PERMANENT COLORING OF HAIR

bearing Attorney's Docket Number J6738(C), which is found in:

- (a) ☐ U.S. patent application executed on _____
- (b) ☒ To comply with 37 CFR 3.21 for recordal of this assignment, I/WE an ASSIGNOR(S) signing below, hereby authorize and request my/our attorney, as named in the Declaration and Power of Attorney to insert below the filing date and application number when it becomes known.

U.S. application Serial No. 10/075,745 filed on February 14, 2002.

- (c) ☐ International Application No. PCT _____/_____.

AND WHEREAS, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, a corporation of New York having a principal place of business at 325 North Wells, Chicago, Illinois 60610, desires to acquire the entire right, title and interest in the said application and invention, and improvements and to any United States and foreign patents to be obtained therefor;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, I/We, the undersigned, hereby sell, assign and transfer to the aforesaid, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, the entire right, title and interest in and to the said application and invention therein disclosed for the United States and all foreign countries, and all rights of priority under the International Convention resulting from the filing of said application, and in and to any and all divisional, continuation, continuation-in-part, reissue, or other applications describing said invention or improvements thereon, and in and to any and all Letters Patent of the United States which may issue from said applications or any of them, and in and to any and all applications for patents describing said invention to countries foreign to the United States and in and to any and all patents which may be granted for said invention in said foreign countries, the same to be held by and for the sole and exclusive use and benefit of the said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns.

AND I/We do hereby authorize and request the Commissioner of Patents to issue the said Letters Patent of the United States to said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, as the assignee of the entire right, title and interest in and to the same.

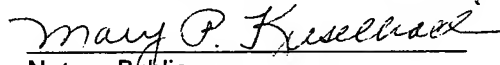
AND I/We do hereby agree to assist said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, in the prosecution of any and all said applications and in the prosecution of any and all interferences or other proceedings which may arise involving said invention, and to execute and deliver any powers of attorney, affidavits, assignments, applications, reissues, documents, or other written instruments which, in the opinion of counsel for said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, may be necessary in this or any foreign country fully to secure to said, **UNILEVER HOME & PERSONAL CARE USA, DIVISION OF CONOPCO, INC.**, its successors and assigns, any and all said applications, inventions, improvements, Letters Patent, rights, titles and interests hereby sold, assigned, transferred and conveyed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1ST day of March, 2002.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

 (Seal)
Padmaja SAROJINI

On this 1ST day of March, 2002 before me came Padmaja SAROJINI to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.


Notary Public
MARY P. KIESELBACH
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 25, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1ST day of March, 2002.

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

 (Seal)
John Brian BARTOLONE

On this 1ST day of March, 2002 before me came John Brian BARTOLONE to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he/she executed the same.


Notary Public
MARY P. KIESELBACH
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 25, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1ST day of March, 2002.

STATE OF NEW JERSEY)
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 (Seal)
Alexander C. CHAN

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Notary Public

MARY P. KIESELBACH
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 25, 2005